

IN THE SUPREME COURT OF THE STATE OF DELAWARE

HECTOR SILVA,	§
	§ No. 63, 2023
Defendant Below,	§
Appellant,	§ Court Below—Superior Court
	§ of the State of Delaware
v.	§
	§ Cr. ID No. 2101005040 (N)
STATE OF DELAWARE,	§
	§
Appellee.	§
	§

Submitted: March 22, 2023

Decided: May 2, 2023

Before **SEITZ**, Chief Justice; **VALIHURA** and **TRAYNOR**, Justices.

**ORDER**

After careful consideration of the opening brief, the motion to affirm, and the record on appeal, the Court concludes that the judgment of the Superior Court should be affirmed on the basis of the Superior Court’s February 7, 2023 order denying the appellant’s motion for reduction of sentence. The Superior Court did not err in concluding that the motion was time-barred under Superior Court Rule of Criminal Procedure 35(b) and that the appellant did not establish extraordinary circumstances to excuse the delay that “specifically justify the delay; are entirely beyond [the

appellant's] control; and have prevented the appellant from seeking the remedy on a timely basis.”<sup>1</sup>

NOW, THEREFORE, IT IS ORDERED that the Motion to Affirm is GRANTED and the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Gary F. Traynor  
Justice

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<sup>1</sup> *State v. Diaz*, 2015 WL 1741768, at \*2 (Del. Apr. 15, 2015) (internal quotations omitted).